

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ELDRICK BURLEY,

Plaintiff,

v.

LORIE DAVIS, et al.,

Defendants.

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Case No. 6:20-cv-325-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Eldrick Burley, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 complaining of the water quality at the TDCJ Coffield Unit. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

Before the Court is Defendants' motion to dismiss. Docket No. 10. On March 15, 2021, Judge Love issued a Report recommending that the Court grant Defendants' motion and dismiss Plaintiff's claims with prejudice for purposes of proceeding *in forma pauperis*. Docket No. 12. Plaintiff responded to the Report on March 27, 2021. Docket No. 13.


Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In his response to the Report, Plaintiff explained that he believed that the Texas Attorney General was representing him, but that the Attorney General did not inform him of the opportunity to respond to the motion to dismiss. Plaintiff also indicated that he intended to file additional objections within fourteen days; however, no further objections have been received.

Having conducted a *de novo* review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 12) as the opinion of the District Court. The Court hereby **GRANTS** Defendants' motion to dismiss (Docket No. 10) and **DISMISSES** Plaintiff's claims with prejudice for purposes of proceeding *in forma pauperis* for failure to state a claim upon which relief may be granted. Because the motion to dismiss inures to the benefit of the Director of the University of Texas Medical Branch, who did not join in the motion, the dismissal applies as to Plaintiff's claims against the Director as well.

So **ORDERED** and **SIGNED** this 11th day of May, 2021.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE